

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SECURITIES AND EXCHANGE	)	
COMMISSION,	)	
	)	
	)	
Plaintiff,	)	Civil Action No. 09 cv 7429
	)	
v.	)	Honorable Blanche M. Manning
	)	
CANOPY FINANCIAL, INC., and	)	Magistrate Judge Maria Valdez
JEREMY J. BLACKBURN,	)	
	)	
Defendants.	)	
	)	

**UNOPPOSED MOTION TO DISMISS CLAIMS FOR MONETARY RELIEF AGAINST  
CANOPY FINANCIAL, INC. AND TO ENTER FINAL JUDGMENT**

Plaintiff, the Securities and Exchange Commission (“SEC”), pursuant to Federal Rule of Civil Procedure 7(b)(1), files this unopposed motion to dismiss claims for monetary relief against defendant Canopy Financial, Inc. (“Canopy”) and for entry of a Final Judgment against Canopy. In support of its motion the SEC states the following:

1. On November 30, 2009, the SEC commenced this action against Canopy and Jeremy J. Blackburn (“Blackburn”) and in its Complaint sought permanent injunctive and monetary relief against both Canopy and Blackburn. (Docket # 1). On that date, the SEC also sought, and the Court granted, a temporary restraining order against Blackburn and entered an order freezing Blackburn’s assets. (Docket ## 6, 7).

2. On December 8, 2009, the Court entered, by consent, a preliminary injunction against Blackburn. (Docket #16). On March 29, 2011, the Court entered, by consent, a Final Judgment against Blackburn, which imposed a permanent injunction against him and disgorgement, prejudgment interest and a civil penalty. (Docket # 106).

3. The issues that remain to be decided in this action are the SEC's claims for permanent injunctive relief and monetary relief against Canopy.

4. The SEC now moves this Court to dismiss the following monetary relief claims from the Complaint against Canopy: a) disgorgement; b) prejudgment interest; and c) a civil penalty.

5. Canopy, through Gus A. Paloian, in his capacity as Chapter 7 Bankruptcy Trustee of Canopy (the "Canopy Trustee"), and not personally, has consented to a Final Judgment that permanently enjoins Canopy from committing future violations of Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], and Section 17(a) of the Securities Act of 1933 [15 U.S.C. § 77q(a)]. The Consent to Final Judgment is attached to this motion as Exhibit 1 and the proposed Final Judgment is attached as Exhibit 2.

6. The entry of the proposed Final Judgment against Canopy will resolve all outstanding issues in this action.

7. The Canopy Trustee has executed the attached Final Judgment and counsel for the Trustee reviewed this motion before filing. The Canopy Trustee does not oppose the Motion.

For the foregoing reasons, the SEC requests that the Court grant this Unopposed Motion.

Respectfully submitted,

**UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION**

/s/ Amy S. Cotter

By: One of its Attorneys

Amy S. Cotter (IL Bar No. 6238157)

Attorney for Plaintiff

**UNITED STATES SECURITIES**

**AND EXCHANGE COMMISSION**

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